vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1077 OF 2006
IN
SUIT NO.950 OF 2006

Hansraj Pragji Warehousing Pvt. Ltd. ... Plaintiffs

V/s.

Bombay Cycle & Motors Agency Ltd. ... Defendants

Mr.S.Shetye with Ms.N.Kapadia i/b M/s.Pandya Gandhi & Co. for Plaintiffs
Mr.Y.K. Tiwari for Defendants

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **APRIL 20, 2006**

P.C.:

. By consent of the parties, Motion taken up for final hearing.

2. The learned Advocate for the Defendants states that they will not disturb the possession of the plaintiffs without following due process of law. However, the Plaintiffs have also sought an injunction against the Defendants from entering the suit property as well as from selling or transferring or dealing with the suit property pursuant to the agreement of sale dated 9.8.1974. The Plaintiffs were put in possession of a part of the suit property pursuant to a sub-lease dated 29.7.1974.

3. Thereafter, an agreement of sale was entered into between the Plaintiffs and Defendants on 9.8.1974,

pursuant to which the Plaintiffs were put in possession of the entire suit property, including the terrace. It is the case of the Plaintiffs that the Defendants are disturbing their possession.

4. The following order will in my opinion meet the ends of justice:

i) The Defendants shall not enter upon the property described in Exhibit A to the plaint;

ii) The Defendants shall not dispossess the Plaintiff or interfere with its possession of the suit property except with due process of law;

iii) The Defendants shall not sell or transfer or alienate the suit premises.

3. In the event the Defendants initiate proceedings to evict the Plaintiffs, the Defendants shall give advance notice to the Plaintiffs of 48 hours.

4. Motion is disposed of accordingly.